

BOARD OF APPEALS CASE NO. 4998

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BEFORE THE

APPLICANT: Barry Wimmer

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ZONING HEARING EXAMINER

REQUEST: Variance to construct an addition and front porch within the required setbacks; 1413 Lake Vista Drive, Joppa

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 11/24/99 & 12/1/99

HEARING DATE: February 16, 2000

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Record: 11/26/99 & 12/3/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Barry Wimmer, is requesting two variances:

1. to construct an addition to the rear of the house within the required 50 foot rear yard setback (Section 267-35(B), Table III of the Harford County Code). (The Applicant is requesting a 42 foot setback.) ; and
2. to construct a front porch within the required 37 foot front yard setback (Sections 267-35(B), Table III and 267-23(C)(a)(2) of the Code), in a RR Rural Residential District. (The Applicant is proposing a 33 foot setback.)

The subject property is located at 1413 Lake Vista Drive, Joppa in the First Election District. The parcel is more specifically identified as Parcel No. 536, in Grid 1B, on Tax Map 61. The parcel contains approximately .38 acres, all of which is zoned RR.

Mr. Wimmer appeared and testified that he is requesting these two variances so that he can expand the size of his house. He stated that he wishes to construct a 12 by 24 foot sunroom off the back of the house, and in order to do so he needs an 8-foot variance from the required 50 foot rear yard setback. In addition, Mr. Wimmer testified that he wishes to construct a 7 by 22 foot front porch across the front of the home. While there is a required 40 foot front yard setback, porches are allowed to encroach 3 feet, resulting in a request for a 4 foot variance from the required setback of 37 feet.

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The Applicant testified that the property is unique because it is a corner lot, with the house placed on the lot in such a way as to reduce his ability to add onto the home within the required setbacks. He noted that other houses in the neighborhood have front porches and he did not believe that the variances would be substantially detrimental to adjacent properties, nor would their approval materially impair the purpose of the Code. No witnesses appeared in opposition to the requests.

Mr. Anthony McClune, from the Department of Planning and Zoning, appeared and testified that the Department is recommending approval of both variances. Mr. McClune stated that the property is unique based upon the fact that it is a corner lot, requiring two 40 foot front yard setbacks, and the shape is such that it narrows significantly from the side road so that the majority of useable property is located within the front yards. Mr. McClune testified that approval of the variances would not have any adverse impact on adjoining properties, nor would it adversely impact sight distance or traffic flow. Approval would not materially impair the purpose of the Code.

CONCLUSION:

The Applicant is requesting a variance to Section 267-35(B), Table III of the Harford County Code, to construct an addition within the required 50 foot rear yard setback. The Applicant is proposing a 42 foot setback. Approval of the request to build a 12 by 24 foot sunroom on the rear of the home would reduce the rear setback by 8 feet. The Applicant is also requesting a variance to Section 267-35(B), Table III and Section 267-23(C)(1)(a)(2) of the Harford County Code to construct a front porch within the required 37 foot front yard setback. While the usual required front yard setback is 40 feet, Section 267-23(C)(1)(a)(2) allows porches to encroach into the minimum yard requirements by 3 feet. Accordingly, the addition of a 7 by 22 foot porch across the front of the house would reduce the front yard setback by 4 feet, leaving a total front setback of 33 feet.

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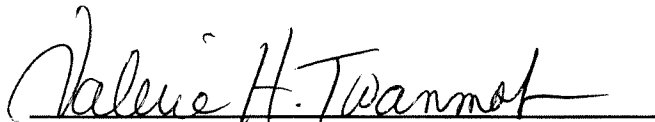
The uncontradicted testimony of the Applicant and the Department of Planning and Zoning is that the subject property is unique because it is a corner lot with a narrowing shape that significantly reduces the useable area of the lot. Both the Applicant and the Department testified that approval of the variances would not be substantially detrimental to adjacent properties nor would approval materially impair the purpose of the Code, as supported by the fact that no neighbors appeared in opposition to the requests.

Therefore, it is the finding of the Hearing Examiner that the subject property is unique for the reasons stated by the Applicant and the Department in their testimony and, further, that approval of the variances will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

It is the recommendation of the Hearing Examiner that the requested variances to reduce the front yard setback to 33 feet and the rear yard setback to 42 feet be approved, subject to the Applicant obtaining all necessary permits and inspections for the porch and the sunroom addition.

Date

March 9, 2000



Valerie H. Twanmoh
Zoning Hearing Examiner